

Copyright reform: 'Neighbouring right' will get in the way of quality journalism

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Opinion

A new publishers' right would end up boosting fake news, warns Julia Reda.



Julia Reda | *Photo credit: European Parliament audiovisual*

The news industry is in trouble - and that risks becoming a problem for our democracy. Traditional media outlets are struggling with declining subscription rates and decreasing advertising revenues.

Readers have become less loyal to brands and more accustomed to getting a mix of news from different sources. In that mix, 'fake news' is competing with well-founded information for clicks and shares.

The increasing spread of fake news is one of the main justifications MEPs give for supporting the

Commission's plan to introduce an extra copyright for news sites. This new 'neighbouring right' would require anyone reproducing snippets of news content to take out a license.

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The goal: Getting social networks and aggregation services to pay publishers they link to, by defining as copyright infringement the short extracts used to inform readers what lies behind a link. The law would have a broad impact: Private bloggers, startup companies and others would easily find themselves in conflict with it.

Supporters of this measure, including the EPP group, argue it "contributes to safeguarding quality journalism over fake news" by increasing news industry revenues.

However, that plan is likely to backfire: Introducing such a special copyright would introduce barriers to spreading real news which do not exist for fake news. Revenues would only grow if all players in the ecosystem decide to clear those new barriers by paying for licenses.

But the experience with similar laws in Germany and Spain has clearly shown that many would be unable to pay. Others would make a business decision not to. As a result, the new barrier would put real news at a competitive disadvantage: It would act as a disincentive to sharing serious information, skewing the playing field even more towards fake news.

Before citing news articles on blogs and websites, citizens would need to research whether they are running afoul of the neighbouring right. Before allowing users to share usefully illustrated links to articles, social networks would need to negotiate licenses. It would be easier to no longer share such news at all, or to stop providing useful snippets alongside such links.

Startup companies could not afford to comply, stifling innovation in this sector just when it is most needed. Fake news and propaganda would remain free to spread as those publishers care only about achieving the maximum possible reach - they would never start charging for snippets.

Many experts and stakeholders agree that "Such proposals make it harder for us to be heard, to reach new readers and new audiences", independent publishers explained in an open letter, whose signatories include the publishers of 900 periodicals in Spain and 155 local newspapers in Italy.

A neighbouring right "may well set back the function of the press as public watchdog", a recent University of Amsterdam study warned, while it "will not foster quality journalism", a legal analysis from Frankfurt's Goethe University concluded.

Even the Parliament's own research service found that introducing a version of this law in Spain "clearly had a negative impact on visibility and access to information".

In these uncertain times, we need measures that boost the visibility of serious information and foster innovation in the news business. Good intentions notwithstanding, measures that instead introduce new legal uncertainty and transaction costs would make a bad problem even worse.

About the author

Julia Reda (DE) is Parliament's Greens/EFA group shadow rapporteur on copyright in the digital single market

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